

**Chambers Procedures
for
Judge Mary F. Walrath**

The Local Rules for the United States Bankruptcy Court for the District of Delaware will govern all procedural aspects of the case.

The following procedures are to be followed in all cases assigned to Judge Walrath:

1. Please do not contact Chambers via e-mail or fax.
2. Any deliveries to Chambers must be made during normal business hours.
3. All Orders submitted following a hearing should be accompanied by a Certification of Counsel (see Local Rule 9013-1(j)) and **promptly** filed. No bare Orders or letters will be considered. If they are not submitted promptly after the hearing, there may be a delay in entry of the Order.
4. Effective January 5, 2005, all requests for telephonic participation must be made through CourtCall, LLC. Please visit the Court's website at www.deb.uscourts.gov for information, instructions and fees.
5. Video conferencing requests should be made to the Courtroom Deputy no later than one business day prior to the scheduled hearing.
6. All documents delivered to Chambers shall have the docket number and date of filing in the bottom right-hand corner of the first page.
7. All Motions (except those filed in adversary proceedings) and Stipulations requiring notice under Bankruptcy Rule 9019 must be filed with a hearing date. Objections are due five business days prior to the hearing date in accordance with the Local Rules (see Local Rule 9006-1).
8. Stipulations must show the original signatures of the parties and have attached a separate proposed Order. "So Ordered" clauses are unacceptable.

9. All motions filed in adversary proceedings shall be subject to District Court Local Rule 7.1.2 (briefs and schedule). **No hearing will be scheduled unless the Court directs.** Once briefing is completed, the movant shall file a Notice of Completion of Briefing, which shall include a list of all relevant pleadings and related docket numbers. Counsel shall then deliver a binder with the relevant pleadings to Chambers.
10. All briefs and memoranda (in main bankruptcy cases and in adversary proceedings) must comply with District Court Local Rule 7.1.3 (form and content of briefs). No objection to, and no briefs (or memoranda) in support of, confirmation shall exceed 40 pages.
11. Motions to Approve a Settlement of an adversary should be filed in the main bankruptcy case and the related adversary proceeding. Upon entry of an Order Approving a Settlement, the adversary proceeding will be closed.
12. Do not contact the Clerk's office to correct the docket. A document is "Entered in Error" only if the Clerk's office entered it in the wrong case. If a document is electronically filed and needs to be removed, a Notice of Withdrawal must be filed.
13. Note that the U.S. Trustee now has a procedure requiring Debtor's professionals to file a declaration containing an analysis of all fees paid pre-petition in light of the Pillowtex case.

MATTERS ON FOR HEARING

Each counsel presenting a matter at a hearing is to bring to the scheduled hearing the following:

(1) One unstapled copy of each proposed Order to be handed up for signature. All proposed Orders shall, in the caption, reference the Motion and the corresponding docket number of the Motion. The copy is to be the same as the proposed Order filed with the Motion and in the hearing binder, unless counsel advises the Court that the Order has been revised and presents a blacklined copy showing the changes made.

(2) A disk containing all proposed Orders should counsel need to make any additional changes to the proposed Orders during the hearing. The disk need not be given to the Court.

Notice of Agenda Matters

- A Notice of Agenda shall be filed by 12:00 noon two business days prior to the hearing date in accordance with the Local Rules of this Court.
- Local counsel for the Debtor or Trustee is responsible for the timely filing, delivery, correctness and completeness of the Notice of Agenda and the related hearing binder. Piecemeal delivery of the Notice of Agenda and the relevant pleadings is not appropriate. Only those items listed on the Notice of Agenda and the relevant pleadings timely delivered to Chambers will be considered, absent compelling circumstances. If the Notice of Agenda and related pleadings are not delivered within the prescribed time limit, counsel will be assessed a \$500 fine.
- The Notice of Agenda shall include the docket number and filing date of each document listed.
- Counsel is required to inform the Judge's Chambers immediately if the status of a matter listed on the Notice of Agenda as going forward has changed (i.e., settled or continued).
- Counsel cannot reschedule or cancel a hearing without the consent of all interested parties and the courtroom deputy. This includes hearings where all matters have Certificates of No Objection filed. The Court must review those matters with Certificates of No Objection and determine if a hearing is necessary. Chambers will then notify counsel to file an amended Agenda cancelling the hearing.
- Initial pretrial hearings in adversary proceedings cannot be continued. A preliminary hearing will be held and a Scheduling Order shall be presented.
- If requesting an expedited hearing, a Motion for Expedited Hearing shall be filed and a hard copy, along with a copy of the underlying Motion to be heard, should be delivered to Chambers for review. The Court will then determine the appropriate hearing date.

Hearing & CNO Binders

- Hearing binders shall contain the Notice of Agenda, along with unbound copies of all documents listed as going forward, with each document tabbed in accordance with the Notice of Agenda.
- Hearing binders shall contain only the substantive documents necessary for the hearing (i.e., motions and responses going forward). Do not include Certificates of Service in the binder or the Service Lists filed with each pleading, unless an issue has been raised about sufficiency of service in which case only the appropriate portion of the Service List and Notice shall be included.
- A separate CNO binder shall be filed by the Debtor with the hearing binder and Notice of Agenda containing any uncontested matters where Certificates of No Objection have been timely filed. Do not send separate copies of the matters with CNOs; inclusion in the CNO binder is sufficient.
- The hard copy of each document shall contain both the docket number and the date of filing of such document, written in the lower right corner of the first page.
- Hearing binders are to be delivered directly to Chambers by 12:00 noon, two business days prior to the hearing date, at the same time the Notice of Agenda is filed. A late hearing binder may result in a \$100 fine for Debtor's local counsel.
- Generally, binders will be available for firms to pick up in the lobby outside the courtroom after the hearing. Please remove them promptly.
- Claims binders and fee binders will be returned if matters do not go forward; and should be resubmitted at the appropriate time for the rescheduled hearing.

Fee Applications

- Fee Applications will not be considered without a hearing. The Local Rules require quarterly fee hearings. The Debtor should designate such quarterly hearing dates on the proposed Order scheduling omnibus hearings.

- Fee applications must be delivered in a separate hearing binder containing an index one week prior to the scheduled fee hearing. Please do not submit a separate fee binder for each professional.
- Unless otherwise requested by the Court, final fee application binders should include only the monthly fee applications not previously approved together with the final application. The final application must include a summary of the orders previously entered on quarterly fee requests.
- Local Rule 2016-2(e) requires that expenses be itemized in detail. A summary of expenses is not sufficient.

Objections to Claims (see Local Rule 3007-1)

- Declarations must be filed in support of all claim objections, including non-substantive. Counsel cannot certify whether claims are duplicative, amended or late-filed unless they have personally reviewed those claims.
- In the event a portion of a particular claim objection is continued to another hearing date, only the claims/responses which will be the subject of that hearing should be listed on the subsequent Notice of Agenda. A chart showing the status of all claims/responses should also be attached.
- Claims binders should be delivered to Chambers two weeks prior to the scheduled hearing. The Omnibus Objection to Claims and the Declaration should be included with only those claims going forward in the binders.

First Day Pleadings

- Do not deliver drafts of first day motions to the Clerk or Chambers. They are to be delivered only after those motions have been filed.
- A first day hearing will be scheduled only after receipt of the first day binder, typically no sooner than 24 hours after such receipt.

- No retention applications will be considered on the first day (except regarding a claims agent). They must be noticed for a scheduled omnibus hearing date.
- No Motion for Adequate Protection for Utilities will be considered on the first day. It must be noticed for a scheduled omnibus hearing date. If the hearing is not scheduled within 20 days of the petition date, a Bridge Order will be considered.
- A budget must be included in the first day hearing binder.
- No Motion Seeking Authority to Pay Pre-Petition Obligations will be considered unless the Motion and attached Order include the maximum amount sought to satisfy these pre-petition obligations.

MATTERS NOT REQUIRING A HEARING

The following documents which seek Court approval without a hearing shall be delivered directly to Chambers immediately upon filing. All documents shall have the docket number and date filed on the bottom right corner of the first page. If they are not delivered to Chambers, they will not be considered.

- Motions for Admission Pro Hac Vice showing the actual signatures of local counsel and the Admittee;
- Motions to Shorten Notice;
- Stipulations (with a separate Order attached) which do not require notice under Bankruptcy Rule 9019, along with any referenced motion;
- Certifications of Counsel, along with the referenced motion, and any other relevant documents.

If any of the above procedures are not properly followed, it will cause a delay in consideration of your pleadings. If you have sent your pleadings to Chambers in the proper manner, do not call Chambers for the status of those pleadings and do not send additional copies.